



17 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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Cleveland, OH 44114

In re Application of
GLASER, et al.
U.S. Application No.: 10/089,277
PCT No.: PCT/EP01/00580

Int. Filing Date: 19 January 2001

Priority Date: 27 July 2000

Attorney Docket No.: 313525600003

For: DEVICE FOR DETECTING CHANGES
IN THE DENSITY OF A MEDIUM

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.47(A) For Uncooperative Inventor Stergiopoulos" filed 21 October 2002 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 January 2001, applicant filed international application PCT/EP01/00580, which claimed priority of an earlier application filed 27 July 2000. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 07 February 2002. A Demand for international preliminary examination, in which the United States was elected, was not filed prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 27 March 2002.

On 25 March 2002, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the International Application. An executed oath or declaration was not included.

On 14 June 2002, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 21 October 2002, applicant responded with the present petition to accept the present oath or declaration without the signature of joint inventor Stergios Stergiopoulos accompanied by a petition for a two-month extension of time and a declaration executed by joint inventors Eckard Glaser, Mirosław Wrobel and Janet Grassmann on their own behalf and on the behalf of the non-signing inventor, Stergios Stergiopoulos. With the filing of the petition for a two-month extension of time and payment of fee, applicant's petition is considered to be timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a).

Regarding item (1), applicant has provided payment of the appropriate petition fee.

As to item (2), applicant has provided a signed declaration from Lorri W. Cooper detailing efforts to obtain the signature of Mr. Stergiopoulos; including sending a complete set of application papers to Mr. Stergiopoulos.

Regarding item (3), applicant has supplied a statement of the last known address of Mr. Stergiopoulos.

As to item (4), applicant has a combined declaration and power of attorney executed by Eckard Glaser, Mirosław Wrobel and Janet Grassmann on their own behalf and on behalf of Mr. Stergiopoulos.

Accordingly, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, the petition is **GRANTED**.

The application has an international filing date of 19 January 2001 under 35 U.S.C. 363, and will be given a date of **21 October 2002** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

Application No.: 10/089,277

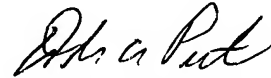
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A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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In re Application of
GLASER, et al.
U.S. Application No.: 10/089,277
PCT No.: PCT/EP01/00580
Int. Filing Date: 19 January 2001
Priority Date: 27 July 2000
Attorney Docket No.: 313525600003
For: DEVICE FOR DETECTING CHANGES
IN THE DENSITY OF A MEDIUM

Dear Mr. Stergiopoulos:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of a national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Mr. Stergios Stergiopoulos) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/EP01/00580 and was filed on 19 January 2001 in the names of Eckard Glaser, Miroslaw Wrobel and Janet Grassmann and Stergios Stergiopoulos for the invention entitled **DEVICE FOR DETECTING CHANGES IN THE DENSITY OF A MEDIUM**. The national stage application number is 10/089,277 and has a 35 U.S.C. 371 date of 21 October 2002.